**SHEARERS ACCOMMODATION ACT AMENDMENT BILL 1978**

**Legislative Council, 12 September 1978, pages 743-4**

Second reading

Received from the House of Assembly and read a first time.

**The Hon. T. M. CASEY (Minister of Lands):** I move: That this Bill be now read a second time.

This short Bill seeks to remedy two defects in the parent Act that have been revealed by practical experience since the Act came into operation on 1 December 1976. Section 8 of the Act sets out the powers and duties of an inspector appointed under the Act with respect to the inspection of shearing sheds or buildings used for the accommodation of shearers. Although the Act provides that obstructing an inspector in the exercise of his powers and duties under the Act is an offence, there is no provision in the Act to require a person on a property to which the Act applies to answer questions concerning shearers’ accommodation put to him by an inspector.

The absence of any such express provision in the Act and its associated difficulties was brought to my attention when, in September 1977, a prosecution for breach of the Shearers Accommodation Act was dismissed by the magistrate for lack of evidence. In that case, the apparent manager of the property on which the defective buildings were situated refused to give information to the Inspector of Shearers Accommodation. This deficiency in the Act places an inspector in an invidious position, as he has no authority to require the necessary information to support an allegation as to a breach of the Act.

Accordingly, the Bill proposes that a similar provision to that included in the Industrial Safety, Health and Welfare Act, 1972-1978, be inserted in the Shearers Accommodation Act to remedy the position. Provision is now made to empower an inspector to require any person to answer questions put to him by the inspector for the purposes of determining compliance with the Act, and places an obligation on that person not to refuse or fail to answer those questions to the best of his knowledge, information and belief. These powers in the Industrial Safety, Health and Welfare Act have been formulated over a considerable period of time in order to ensure that occupiers of industrial premises cannot evade their responsibilities under the Act by refusing to co-operate with an inspector in the course of his duties.

The opportunity has also been taken to include a provision in the Act to enable an inspector to take photographs of buildings covered by the Shearers Accommodation Act to support his assessment of their condition. Difficulties have arisen in the past when an inspector has been forbidden to take photographs to substantiate his claims. A provision similar to that in the Industrial Safety, Health and Welfare Act is included in the Bill to cover that situation.

Clause 1 is formal. Clause 2 provides the new powers of an inspector, expands the provision relating to obstruction, and makes it an offence to refuse to answer an inspector’s questions, but provides that a person is not obliged to answer an incriminating question.

The Hon. R. A. GEDDES secured the adjournment of the debate.